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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,287	04/01/2004	John Gordon Misselbrook	10286.0370NP	8574
23369	7590	07/11/2006	EXAMINER	
HOWREY LLP C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DRIVE, SUITE 200 FALLS CHURCH, VA 22042-7195			BATES, ZAKIYA W	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,287	Applicant(s) MISSELBROOK, JOHN GORDON	
	Examiner Zakiya W. Bates	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03062006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, and 6-44 are rejected under 35 U.S.C. 102(a) as being anticipated by Crawford (WO 03/067016 cited by applicant), or under 35 U.S.C. 102(e) as being anticipated by the US equivalent patent US 6,651,744.

Crawford discloses a wellbore tractor 10 comprising: a tractor body 25; a central fluid passageway 34 extending through the length of the tractor body; a return fluid passageway (40, 48, 49) the return fluid passageway further comprises one or more flow conduits; a fluid manifold (23, 32, 36) in fluid communication with the one or more flow conduits; and a means 22 for driving the tractor through the wellbore. With respect to the depending claims, the reference teaches the limitations as claimed, including flow conduits and channels extending along the body, and the return passageway arranged side-by-side with the central passageway. See the entire document, especially Fig. 9. With respect to claim 9, the reference discloses wellbore tractor comprising: a tractor body 25; a central fluid passageway 34 extending through the length of the tractor body;

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one or more rearward facing jets 40 extending through the tractor body and in fluid communication with the central fluid passageway; and a means 22 for driving the tractor through the wellbore. With respect to claim 10, the reference discloses a method of moving a coiled tubing tractor through a wellbore containing sand, the method comprising the steps of: running a coiled tubing tractor assembly 10 on a coiled tubing 22 into the wellbore, the tractor assembly comprising one or more forward facing jet nozzles 48, 49, a jet pump 152 and the tractor; removing a sand bed ahead of the tractor by fluidizing the sand particles with the one or more forward facing nozzles to create a sand-laden slurry; pumping the sand-laden slurry via the jet pump past the trailing end of the tractor; and driving the tractor through the portion of the wellbore that previously contained the sand bed. With respect to the depending claims, the reference teaches the limitations as claimed. With respect to claim 17, the reference discloses a method of moving a coiled tubing tractor 10 through a wellbore containing sand, the method comprising the steps of: running a coiled tubing tractor assembly 10 on a coiled tubing 22 into the wellbore, the tractor assembly comprising one or more forward facing jet nozzles 48, 49, the tractor and one or more rearward facing jet nozzles 40; removing one or more sand beds ahead of the tractor by fluidizing the sand particles with the one or more forward facing nozzles; maintaining the sand in fluid suspension with the rearward facing nozzles until the sand particles settle behind the tractor; and driving the tractor through the portion of the wellbore that previously contained the one or more sand beds. With respect to claim 21, the reference discloses a coiled tubing tractor assembly comprising: a forward jetting assembly 48, 49 operable to fluidize sand beds

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ahead of a coiled tubing tractor 10; the coiled tubing tractor having a tractor body 25, a central fluid passageway 34 and a return fluid passageway (40, 48, 49), and a jet pump 152 connected between the forward jetting assembly and the tractor, wherein the jet pump is operable to pump the fluidized sand through the return fluid passageway to expel the fluidized sand past the trailing end of the tractor. With respect to the remaining claims, the reference teaches the limitations as claimed (please see reference numerals with respect to the rejections above for similar limitations).

Response to Arguments

3. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

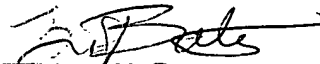
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Zakiya W. Bates
Primary Examiner
Art Unit 3676

zb
July 7, 2006